

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

WAYNE VAN SCOY,)	
)	
Plaintiff,)	
)	C.A. No. 05-108-KAJ
v.)	
)	
VAN SCOY DIAMOND MINE OF)	
DELAWARE, INC., a Delaware corporation,)	
KURT VAN SCOY, and DONNA VAN SCOY,)	
)	
Defendants.)	

NOTICE OF DEPOSITION

TAKE NOTICE that Plaintiff, Wayne Van Scoy, will take the deposition of Defendant Kurt Van Scoy, at the offices of Ashby & Geddes, 17th Floor, 222 Delaware Avenue, Wilmington, DE 19801, beginning at 10:00 AM on Friday July 8, 2005, and continuing thereafter from day to day until complete. The deposition testimony will be recorded stenographically and by videotape (sound and visual).

Pursuant to F.R.Civ.P. 34, you are requested to produce for inspection, use as an exhibit and copying at the time of the deposition:

1. A printout out copy of the website hosted at www.vanscoydiamondmine.com as it existed in November of 2004 or as of the date closest in proximity to November 2004 if no copy exists from November 2004. You are specifically requested to produce a copy of the website hosted at vanscoydiamondmine.com, not vanscoydiamondmineofdelaware.com.

2. Documents sufficient to show advertising expenditures by Defendants for each year since the store operated by Van Scoy Diamond Mine of Delaware, Inc. in and around November of 1994 began operation to present.

Counsel are invited to attend and take part as permitted by the Rules.

ASHBY & GEDDES

/s/ John G. Day

Steven J. Balick (I.D. #2114)

John G. Day (I.D. #2403)

222 Delaware Avenue, 17th Floor

P.O. Box 1150

Wilmington, DE 19899

(302) 654-1888

sbalick@ashby-geddes.com

jday@ashby-geddes.com

Attorneys for Plaintiff

Of Counsel:

Michael F. Petock

Michael C. Petock

PETOCK & PETOCK, LLC

46 The Commons at Valley Forge

1220 Valley Forge Road

P.O. Box 856

Valley Forge, PA 19482-0856

(610) 935-8600

MP@IPLaw-Petock.com

Dated: June 29, 2005

159028.1

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of June, 2005, the attached **NOTICE OF DEPOSITION** was served upon the below-named counsel of record at the address and in the manner indicated:

Francis G.X. Pileggi, Esquire
Fox Rothschild LLP
Citizen Bank Center
919 North Market Street
Suite 1300
Wilmington, DE 19801-2323

HAND DELIVERY

Charles N. Quinn, Esquire
Fox Rothschild LLP
2000 Market Street
Tenth Floor
Philadelphia, PA 19103

VIA ELECTRONIC MAIL

/s/ John G. Day
John G. Day